

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

LOUISIANA-PACIFIC CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 3:18-cv-00447
)	
JAMES HARDIE BUILDING PRODUCTS,)	JUDGE MCCALLA
INC.,)	
)	MAGISTRATE JUDGE HOLMES
Defendant.)	
)	JURY DEMAND
and)	
)	
JAMES HARDIE BUILDING PRODUCTS,)	
INC.,)	
)	
Counter-Plaintiff/Third-Party)	
Plaintiff,)	
)	
v.)	
)	
LOUISIANA-PACIFIC CORPORATION)	
and THE KRUSE BROTHERS, INC.,)	
)	
Counter-Defendant and Third-Party)	
Defendants.)	

**PLAINTIFF LOUISIANA-PACIFIC CORPORATION’S MOTION FOR LEAVE TO
FILE UNDER SEAL REPLY IN SUPPORT OF MOTION FOR PRELIMINARY
INJUNCTION AND ATTACHMENTS THERETO**

Plaintiff Louisiana-Pacific Corporation (“LP”) respectfully moves for leave to file under seal the Reply in Support of Motion for Preliminary Injunction and Attachments Thereto. Defendant James Hardie Building Products, Inc. (“Defendant”) has designated certain information included in the Reply and several Exhibits thereto as “Confidential.” Pursuant to the Stipulated

Protective Order (Dkt. 54), LP is required to file the documents under seal. A proposed order is attached to this Motion.

In order for the Court to make the requisite findings and conclusions mandated by the Sixth Circuit, “[t]he proponent of sealing must provide compelling reasons to seal the documents and demonstrate that the sealing is narrowly tailored to those reasons—specifically by ‘analyz[ing] in detail, document by document, the propriety of secrecy, providing reasons and legal citations.’” *Beauchamp v. Federal Home Loan Mortgage Co.*, 628 Fed. App’x 202, 207 (6th Cir. 2016) (quoting *Shane Grp, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299 (6th Cir. 2016)). Generally, “only trade secrets, information covered by a recognized privilege (such as the attorney-client privilege), and information required by statute to be maintained in confidence ... is typically enough to overcome the presumption of [public] access.” *Rudd Equipment Co., Inc. v. John Deere Construction & Forestry Co.*, 834 F.3d 589, 594-95 (quoting *Baxter Int’l, Inc. v. Abbott Labs.*, 297 F.3d 544, 546 (7th Cir. 2002)).

The Stipulated Protective Order requires a party filing documents and information that have been designated as “Confidential” under seal in compliance with Section 5.07 of the Administrative Practices and Procedures for Electronic Case Filing for the United States District Court for the Middle District of Tennessee. (Dkt. 54). Defendant has designated information included in the Reply and several of the Exhibits thereto as “confidential.” Accordingly, LP hereby requests permission to file the documents under seal. Additionally, information included in the Reply and certain Exhibits has been designated as confidential by LP, because the information includes proprietary trade secrets and information not otherwise generally known to the public, the disclosure of which would competitively harm LP.

WHEREFORE, LP respectfully requests that the Reply in Support of Motion for Preliminary Injunction and Exhibits thereto be filed under seal.

A copy of the proposed documents to be filed under seal will be filed contemporaneously herewith under seal. LP also submits herewith a proposed Order granting the relief sought herein.

Dated: July 27, 2018

Respectfully submitted,

MILLER LEGAL PARTNERS PLLC

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CERTIFICATE OF SERVICE

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